

Court of Appeals, State of Michigan

ORDER

People of MI v Robert A Miracle

Docket No. 355341

LC No. 08-037169-FH

Christopher M. Murray
Presiding Judge

Michael J. Riordan

Thomas C. Cameron
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Monroe Circuit Court's May 7, 2020 opinion and order denying defendant's motion for relief from judgment is VACATED and the matter REMANDED to the trial court for an evidentiary hearing and decision whether defendant was denied effective assistance of counsel due to his trial counsel's failure to advise defendant of a favorable plea offer. *Lafler v Cooper*, 566 US 156; 132 S Ct 1376; 182 L Ed 2d 398 (2012); *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973). Defendant presented both a retroactive change in the law, this Court's opinion in *People v Walker (On Remand)*, 328 Mich App 429; 938 NW2d 31 (2019), and a claim of new evidence discovered after his first motion for relief as required by MCR 6.502(G)(2). On remand the trial court shall also consider and determine whether defendant is entitled to additional credit under MCL 769.11b due to the discharge of his sentence in Wayne Circuit Court case number 94-007155-01-FC and issue an amended judgment of sentence if necessary.

The motion to remand is DENIED as moot.

We do not retain jurisdiction.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

January 15, 2021
Date


Chief Clerk